

REMARKS

This responds to the Office Action mailed on May 17, 2004.

Claims 1 and 15 are amended, no claims are canceled, and no claims are added; as result, claims 1–15 are now pending in this application.

Amendments to the Claims

Claims 1 and 15 have been amended for purposes of clarity. No new matter is introduced.

Allowable Subject Matter

The Office Action allowed claims 10–12.

The Office Action acknowledged the presence of patentable subject matter in claims 2, 4 and 15 which were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant notes the acknowledgment of patentable subject matter in claims 2, 4, and 15, In view of the arguments set forth below outlining the patentability of the claims from which the allowable claims are dependent, Applicant respectfully reserves the right to rewrite the claims objected to as may later be necessary,

Objections to the Drawings and the Specification

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they include a reference number 340 in Figure 13, which is not mentioned in the specification.

Entry of the proposed amendments to the specification include mention of reference number 340.

The specification was objected to because Figure 13 is not mentioned in the detailed description.

Entry of the proposed amendments to the specification include mention of Figure 13.

§102 Rejection of the Claims

Claims 1, 3, 5, 7-9, 13 and 14 were rejected under 35 USC § 102(e) as being anticipated by Eccles et al. (U.S. 6,456,624). Applicant respectfully traverses the rejection.

Applicant does not admit that Eccles et al. (U.S. 6,456,624) (hereinafter "Eccles") is prior art, and reserves the right to swear behind it at a later date. Nevertheless, Applicant respectfully submits that the claims are distinguishable over Eccles for the reasons argued below.

Claim 1

Eccles relates to address resolution and the blocking of an address when the address of a destination node is not able to be resolved by an inter switch resolve packet. In contrast rejected independent claims 1 and 13 are related to discovering and mapping *all elements* in a subnet of data network fabric (emphasis added).

Claim 1 calls for "...reissuing a packet from said first switch to *every element* connected thereto..." (emphasis added). The Office Action points to Eccles¹ as support for the "every element" feature but that material² does not show or suggest an "every element" feature.

Additionally claim 1 calls for "...issuing a return packet *from an endnode* in response to a packet..." The portion of Eccles³ cited in the Office Action does not show or suggest the "from an endnode" aspect of the claim indicates⁴ return packets are forwarded by the other switches rather than the endnodes.

For the above distinctions and others, Applicant respectfully traverses the rejection for the reason it fails to set forth a *prima facie* case of anticipation as to claim 1 because Eccles does not disclose of each element of that claim, arranged as in that claim,

Claim 13

Claim 13 calls for "...issuing said packet from said subnet manager to *determine all paths* in said subnet fabric." (emphasis added) The Office Action pointed to what it termed the "connectivity phase" as support for the "determine all paths" feature of claim 13. Rather than

¹ (Col 4, lines 30-33)

² "Packets are first received at the ingress switch, then forwarded to the appropriate local node or remote switch depending upon the value in the destination identifier field". (Col 4, lines 30-33)

³ Col 4, lines 53-64

⁴ "If any of the switches that receive the interswitch resolve packet knows the address of the destination node, it forwards an Acknowledgment response along with the destination address back to the ingress switch. If the receiving switch does not know the destination node address, it returns an Unknown Response"

showing or suggesting a system to “determine all paths,” Eccles merely states⁵ that packets are directly forwarded *on a path* through the switched network. (emphasis added).

For the above distinction and others, Applicant respectfully traverses the rejection for the reason it fails to set forth a *prima facie* case of anticipation as to claim 13 because Eccles does not disclose of each element of that claim, arranged as in that claim.

Claims 3, 5-9, and 14

These claims which are dependent upon either claim 1 or claim 13 are accordingly allowable for the same reasons as claims 1 and 13 and are also patentable in view of additional elements that they provide to the patentable combination in the claim from which the are dependent.

§103 Rejection of the Claims

Claim 6 was rejected under 35 USC § 103(a) as being unpatentable over Eccles et al. in view of Haley (U.S. 5,884,036). Applicant respectfully traverses the rejection.

This claim which is dependent upon claim 1 is accordingly allowable for the same reasons as claim 1 and is also patentable in view of additional elements that it provides to the patentable combination in the claim from which the are dependent.

⁵ “The second operation is a connectivity phase during which the hardware in the switches is appropriately enabled to allow for the packet to be directly forwarded on a path through the switched network.” (Col 4, lines 46–50)

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6970) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

July 19, 2004

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19 day of July, 2004

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